

REMARKS

This Amendment is being filed in response to the Final Office Action mailed June 25, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, claims 1-4, 6-7, 9, 11-14, 16-23 and 26-28 have been amended for better clarity and conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A'. Claims 1-4, 6-7, 9, 11-14, 16-23 and 26-28 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents.

In the Final Office Action, claims 1 and 26 are objected for informalities. In response, claims 1 and 26 have been amended in accordance with the Examiner's suggestions. Accordingly, withdrawal of the objection to claims 1 and 26 is respectfully requested.

In the Final Office Action, claims 20, 26 and 28 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite.

Without fully agreeing with the Examiner and in the interest of advancing prosecution and expediting allowance, claims 20, 26 and 28 have been amended to overcome the informalities noted by the Examiner. Claim 20 currently depends from claim 16 instead of claim 18 and therefore does not state a narrow range that falls within the broad range in the same claim. Claims 26 and 28 currently depend on claim 1 and claim 13, respectively, and therefore do not claim a range outside the range claimed by the parent claim. It is respectfully submitted that the rejection of claims 20, 26 and 28 under 35 U.S.C. 112, second paragraph, has been overcome and an indication as such is respectfully requested.

In Final the Office Action, claims 1, 3-4, 6-8, 16 and 21-24 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Publication No. 2001/0020985 (Hinata). Claim 1 is further rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,750,844 (Nakanishi). Claims 2 and 18-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hinata. Claims 9 and 27 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hinata in view of U.S. Patent No. 5,307,190 (Wakita). Claims 11 and 13-17 are rejected under 35

U.S.C. §103(a) as allegedly unpatentable over Hinata in view of U.S. Patent No. 6,812,974 ('974). Claims 26 and 28 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hinata in view of Nakanishi. It is respectfully submitted that claims 1-4, 6-7, 9, 11-14, 16-23 and 26-30 are patentable over Hinata, Nakanishi, Wakita and '974 for at least the following reasons.

Hinata is directed to a liquid crystal (L) sealed in a cell gap to be formed between a pair of transparent substrates 8a, 8b to constitute a liquid crystal display device as shown in FIG 5. FIG 5 of Hinata further shows a transparent elastic member 4 on the side opposite of the cell gap for the liquid crystal L and a protective plate 5 located on the top of the elastic member 4. At best, only the transparent substrates 8a, 8b are of equal thickness in Hinata.

Nakanishi is directed to a pliable electrophoretic display device having a deformation-resistant memory characteristic provided by covering a plurality of partitioning walls defining display sections with an expandable ceiling sheet 18 and a protective film 19 and an insulating layer 14 and a flexible substrate 11 as shown in FIG 2. In Nakanishi, the ceiling sheet 18

has a thickness range of 10-500 μm (see, paragraph [0049]), the protective film 19 has a thickness range of 1-10 μm (see, paragraph [0051]), the insulating layer 14 has a thickness range of 0.5-2 μm (see, paragraph [0042]) and the flexible substrate 11 has a thickness range of 50-200 μm (see, paragraph [0040]). Therefore, at best, only 2 of the above layers in Nakanishi may be of equal thickness.

It is respectfully submitted that the display of claim 1 is not anticipated by Hinata or Nakanishi. For example, Hinata and Nakanishi do not disclose or suggest "wherein a thickness of said first substrate, said display substrate and said first layer are equal" as required by claim 1 of the present application. Wakita and '974 are cited to allegedly show other features and do not remedy the deficiencies in Hinata or Nakanishi.

Based on the foregoing, it is respectfully submitted that independent claim 1 is patentable and notice to this effect is earnestly solicited. Claims 2-4, 6-9, 11-14, 16-23 and 26-28 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable

elements contained in each of the claims.

For example, Hanita, Nakanishi, Wakita, and '974, alone or in combination, nowhere disclose or suggest the elements disclosed in claims 18, 19 or 20 of the present application. With regard to claim 18 mentioned in the Response to Arguments on pages 5 and 6 of the Final Office Action, Applicants respectfully disagree that there is any disclosure or suggestion in Hanita, Wakita or '974 of holding the relative cell gap variation to be zero. There is not even any mention of the term "relative cell gap variation" in any of the above references!

With regard to the rejection of claims 19 and 20 on page 12 and 13 of the Final Office Action, there is no disclosure or suggestion of 'general conditions' in Hinata alleged to satisfy the equation required by claim 19 nor disclose or suggest the range in claim 20 of the present application. A relative variation of said cell gap is nowhere mentioned or suggested in Hinata which would at least be required to form a 'general condition'. Furthermore, even if there was a relative variation of a cell gap suggested by Hinata, there is no equation or range in Hinata that would suggest to one skilled in the art to have the exact equation or exact range

required by claims 19 and 20 of the present application.

Further, it is respectfully submitted Hanita, Nakanishi, Wakita and '974, alone or in combination, do not disclose or suggest, the present invention as recited in independent claim 29 which, amongst other patentable elements, requires (illustrative emphasis provided) "wherein the first layer has a thickness of up to 80% of the total thickness of the first substrate and the first layer, and wherein the first layer is located between the first substrate and the electro-optical medium."

With respect to the elements in canceled claim 8 which are substantively incorporated into claim 29, Hinata shows a protective acrylic plate 5 with a thickness of 1 mm and transparent elastic member 4 with a thickness of 0.5 to 2 mm (see, Hinata, paragraph [0066]). However, the protective acrylic plate 5 is on the outside of elastic member 4 and, therefore, is not (illustrative emphasis added) "located between the first substrate and the electro-optical medium" as required by claim 29 of the present application.

Based on the foregoing, Applicants respectfully submit that independent claim 29 is patentable over Hanita, Nakanishi, Wakita and '974, and notice to this effect is earnestly solicited. Claim


30 respectively depends from claim 29 and accordingly is allowable for at least this reason as well as for the separately patentable elements contained in the claim. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Amendment in Reply to Final Office Action of June 25, 2007

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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